

a search or searches and substantive examination on all of the subject matter now under a restriction requirement, will not be prejudiced by continuing examination of all claims. Applicants, on the other hand, having done nothing to trigger the requirement, will be prejudiced by the need to file a divisional application to pursue all of the presently claimed subject matter. Such prejudice includes the ensuing expense and delay to substantive examination, and to allowance should the non-elected claims be found allowable. (It is submitted that Applicants have demonstrated their entitlement to allowance in the Response filed January 6, 2004.)

The Examiner has not alleged that further searching based on the claim groupings in the restriction requirement is in fact necessary, or even that further searching may be necessary. Therefore, it is submitted that restriction is not proper at this stage of prosecution where all required searching appears to have been conducted and substantive examination of all of the pending claims has already been undertaken. If anything, splitting the application up at this time would unnecessarily consume valuable examiner time rather than conserve it.

Reconsideration and withdrawal of the restriction requirement are respectfully requested.

Respectfully submitted,



Date: April 30, 2004

Frank J. DeRosa  
Reg. No. 26,543  
BROWN RAYSMAN MILLSTEIN  
FELDER & STEINER LLP  
900 Third Avenue  
New York, New York 10022  
Tele: (212) 895-2000  
Fax : (212) 895-2900